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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,818

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Peter Dam Nielsen

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EXAMINER

HUYNH, NAM TRUNG

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,818	Applicant(s) DAM NIELSEN, PETER	
	Examiner NAM HUYNH	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 3/26/10. Claims 1-5 and 7-10 have been amended and claims 11-13 have been added.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. (US 6,549,792) in view of Hassan et al. (US 7,400,878).

Regarding claim 1, Cannon teaches a method comprising:

detecting a change of state of motion of a terminal (figure 4; column 5 lines 60-67; column 5, lines 1-2; motion may cause a transition to an off-hook or active state), followed by

determining an absence of user-induced activity (lack of voice activity/absence of motion) in the terminal (figure 6; column 6 lines 15-30; a lack of voice activity and absence of motion causes a transition to an on-hook or inactive state).

Cannon teaches that detecting a state of motion and determining absence of user-induced activity invokes a transition from an off-hook or active state to an on-hook or inactive state, not the activation of an input lock as required by the claim. Hassan discloses a computing device with environment aware features (title). Hassan teaches that the input and output interfaces of a mobile device may be automatically locked due to user inactivity for a particular time period (column 4, lines 34-67). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Cannon, to allow locking of the input interface, as taught by Hassan, in addition to or alternatively transitioning to an on-hook state in order to lock the terminal in an unsecured setting such as when the device is in immediate possession or in the proximity of an unauthorized user, thereby providing a higher degree of security protection.

Regarding claim 2, Cannon teaches the method according to claim 1, wherein said detecting a change of state of motion comprises:

detecting that the terminal is substantially at rest, followed by

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detecting that the terminal is in motion (column 5, lines 40-60; the presence or change in motion is detected).

Regarding claim 3, Cannon teaches the method according to claim 1, wherein said step of determining an absence of user-induced activity in the terminal includes monitoring, during a first predetermined time period, any activity induced by a user (lack of voice activity or motion during a timing threshold) and, when said first time period has lapsed and user-induced activity has not been detected, establishing an absence of user-induced activity (information provided by voice activity detector or accelerometer) (column 6, lines 15-30).

Regarding claim 4, Cannon teaches the method according to claim 1, wherein said detecting comprises:

detecting a change of state of motion of the terminal, from a state in which the terminal is in motion, to a state in which the terminal is substantially at rest (column 5, lines 40-60; the presence or change in motion is detected) and, having detected that the terminal is substantially at rest (column 6, lines 15-30; lack of voice activity or motion during a timing threshold), continuing with the remaining steps of claim 1.

Regarding claim 5, Cannon teaches detecting motion of a terminal and detecting that the terminal is substantially at rest (column 6, lines 15-30), but does not explicitly teach that a second predetermined time period is used for this determination. Hassan teaches that two time-out settings may be used to invoke locking of the terminal based on user stimulus and presence/proximity (column 6, lines 21-49). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made

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to allow the terminal of Cannon to take into account two time-out settings, as taught by Hassan, in order to monitor the proximity of the user to the terminal so that the terminal can be quickly locked when it is determined that the user is not near the terminal. This modification may give the user the comfort level to extend the length of time for the default time-out setting, thereby decreasing the number of unnecessary lockouts and increasing convenience to the user.

Regarding claim 6, Cannon teaches the method according to claim 1, where detecting motion

includes detecting acceleration in any spatial direction (column 5, lines 40-46).

Regarding claims 7 and 10, the limitations are rejected as applied to claim 1.

Regarding claim 8, the limitations are rejected as applied to claim 4.

Regarding claim 9, the limitations are rejected as applied to claim 6.

Regarding claim 11, Cannon teaches the method of claim 1, wherein detecting a change of state of motion of the terminal comprises determining that a motion detector included in the terminal has triggered an interrupt (information provided by accelerometer corresponding to an absence of motion) (column 6, lines 15-30).

Regarding claim 12, Cannon teaches the apparatus of claim 7, further comprising:

a motion detector (accelerometer),

wherein the instructions that, when executed by the processor, cause the apparatus to detect a change of state of motion of the apparatus include instructions that, when executed by the processor, cause the apparatus to determine that the motion

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detector has triggered an interrupt (information provided by accelerometer corresponding to an absence of motion) (column 6, lines 15-30).

Regarding claim 13, Hassan teaches the computer readable medium of claim 10, wherein the instructions that, when executed by the terminal, cause the terminal to determine an absence of user-induced activity in the terminal include instructions that, when executed by the terminal, cause the terminal to determine an absence of a depression of a key located on the terminal (lack of user interaction) (column 5, lines 25-40).

Response to Arguments

4. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Nam Huynh/
Examiner, Art Unit 2617

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